

Moreover, although the Examiner maintains that persons of skill in the art would attempt to reacquire information when acquisition of the information has failed, Srinivasan '076 does not disclose or suggest determining, upon acquisition of information, whether such acquisition was successful or unsuccessful.

In contrast, the invention, as set forth for example in the claims, locates a different program that broadcasts a content identical to the content of the program, the recording of which resulted in failure, and processes a reservation for recording the program. The user is thereby freed from the need to determine when the desired content will next be broadcast and to repeat reservation processing, thereby improving the recording process. The present invention, moreover, recognizes a situation where desired information can only be acquired in accordance with a transmission schedule. In such a case, in Srinivasan, where an attempt to record the information ends in failure, it is necessary to discover when the information will next be broadcast. The present information does not simply re-record alternative information, but searches for the time when the alternative information can be re-recorded and reserves recording of the information. This situation and these features are not disclosed in Srinivasan '076.

Applicant respectfully asserts, therefore, that claims 1 and 11 are patentable over Srinivasan '076. Claims 3-10 depend from claim 1, and claims 12-13 depend from claim 11. These claims are patentable at least based on their dependence from patentable base claims.

Applicant likewise respectfully traverses the §103(a) rejection of claims 4, 5, 7, and 12 over Gruse. Applicant reiterates the arguments related to this reference set forth in the prior response.

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Moreover, claim 4 has been amended to depend from claim 1. Claim 4 adds linkage processing means to the combination recited in claim 1. Gruse does not disclose or suggest that when recording of information has ended in failure, a portion of the failed recording normally remains. As recited in claim 4, the recorded portion immediately before and after the failed portion are linked, thereby making it possible to avoid reproduction failure during reproduction. Gruse does not mention determining a failure in information acquisition and subsequently linking the information, so claim 4 is allowable over Gruse.

Claim 5 is allowable over Gruse at least because of its dependence from claim 4. Moreover, Gruse does not disclose determining, when information is reacquired, the position where the reacquired information should have been recorded, and inserting the information in that position. The invention, as recited, e.g., in claim 5, performs such insertion processing, creating a recording of a complete broadcast.

Applicant also traverses the §103(a) rejection of claims 8-10, and 13 over Schindler.

Claim 8 is allowable for the same reasons set forth in the previous response, and further because of its dependence from claim 1. Claims 9 and 10 depend from claim 8, and are allowable at least for this reason.

Claims 12 and 13 are allowable for the same reasons set forth in the previous response, and because of their dependence from claim 11.

Entry of this Amendment After Final is proper under Rule 116 in order to place the application in condition for allowance or in better form for appeal.

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Applicant respectfully requests entry of the amendment, reconsideration, and allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: December 11, 2003

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Attachments: Petition For One Month Extension of Time

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